

# EIN—are you sure we really want one?

<http://www.Osages-You-Need-To-Know.com>

Much ado has been made lately about the Osage Nation Government “stealing” the Federal Identification Number originally assigned to the Osage Tribal Government by the IRS in 1954 when EIN’s first became required.

An Employer Identification Number or EIN (also known as Federal Employer Identification Number or FEIN) is the corporate equivalent to a Social Security Number, although it is issued to anyone, including individuals, who must pay withholding taxes on employees.

Also known as the Tax Identification Number (TIN), Federal Employer Identification Number (FEIN), or the Federal Tax Identification Number, the EIN is a unique nine-digit number assigned by the Internal Revenue Service (IRS) to business entities operating in the United States for the purpose of identification. When the number is used for identification rather than employment tax reporting, it is usually referred to as a TIN, and when used for the purposes of reporting employment taxes, it is usually referred to as an EIN. Whatever the term used, it is still the one unique number assigned to a business entity, and can be used by anyone who wishes to confirm the identity or the legitimacy of that entity.

**Almost anyone can get an EIN, the IRS says in 5 minutes**, and there is no cost involved. I would probably challenge the “5 minutes” part, but the point is, it is not a difficult or mysterious undertaking.

EIN’s do not expire. Once an EIN has been issued to an entity, that number will not be reissued. **If an entity changes it’s name, the IRS must be notified.** The EIN can stay with the newly re-named entity if so desired, or a new one can be issued. **It cannot simply be transferred at will to another entity!!** To do so would obviously invite mass confusion at many levels.

The problem is that a few people are raising a big fuss about the Osage Nation Government using (they say “stealing”) the EIN originally issued to the

Osage Tribe of Indians. Now, six years after the name was changed to the "Osage Nation," these folks want that EIN to belong to the Minerals Council.

Well to begin with, the ONG needed that number for several reasons, one of them being for the seamless continuation of providing payroll services, employee benefit programs, and banking and accounting systems for the entire Osage Nation Government. They have been providing this service for the Minerals Council, at NO COST to the Shareholders, since 2006 and they still do to this day.

This tax ID is the number the Federal Government uses to identify the holder as the **Osage Nation, A SOVEREIGN ENTITY**. The Osage Nation is fully recognized by the Federal Government as the sovereign entity, **not the number**. The number is only used for indexing the many thousands of separate entities.

If the Minerals Council **should** be allowed to completely separate from the Osage Nation and take the number with them, then there would now be 2 separate entities of Osages. The Osage Nation (entity #1) would still have their sovereignty. The Osage Minerals Council (entity #2) would have the original EIN, but, now being a separate entity, may wind up with **no sovereignty at all**.

All the ONG would need would be a new EIN, a 5 minute deal. But, it's a moot point. It just ain't gonna' happen. The IRS won't allow it! EIN's cannot be transferred. And, I sure hope no one seriously expects the US Congress to confer sovereignty on yet another group of the same tribe of Indians. Senator Tom Coburn and some of his colleagues are taking every opportunity they can find to try to get the US Government completely out of the "Indian Business." Then where would we be?

The Minerals Council attorney has cautioned the Council of this in open meeting at least twice since he was hired, stating that total separation and/or a new EIN (which is all the MC could get) might jeopardize the sovereign status of the Mineral Estate, plus, he also stated that warning in a letter to the Council recently mentioned by the Chairman, also in open meeting.

Also, if totally separated, now the Minerals Council would need to hire more staff to keep up with the intricacies of payroll withholding, fringe benefits, workman's comp, and a host of other things we now enjoy at no cost for these services. This expense would now come out of the Shareholders' checks. Furthermore, where would we put the extra help? It would mean acquiring more office space. They are sitting on each other's laps up there already.

Loss of sovereignty would bring about the loss of protection from lawsuits against the Minerals Council. Without sovereignty, every time a pumper did something a land owner didn't like, the producer AND THE MINERALS COUNCIL will likely have a law suit filed against them. To protect our assets, we would need to purchase a high priced public liability insurance policy. No telling what that would cost. Let's not put ourselves and our producers in a situation likethat. We've never had to worry about these things before. Let's don't start now. There may not even be insurance available for deliberately "shooting ourselves in the foot."

What's left of our "limited sovereignty" is one of the most important things we Shareholders have going for us. The producers benefit from our sovereignty to some extent because any law suit against them concerning their operations on Tribal trust lands might also necessarily include the sovereign entity benefactors of the development of those lands. Going into Federal Court to contest tribal sovereignty is not an attractive option for any plaintiff.

Let's not further jeopardize what's left of the sovereign status the U.S. Congress has so begrudgingly granted us by petty quibbling over an EIN number that we don't even need anyway. If it turns out that we do need one at some point, surely we'll have more than 5 minutes to get it.

Just remember, an EIN doesn't come with sovereignty attached!!

Ray McClain, Osage Shareholder